REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III] Trivandrum, Thursday, 6th March 1958 [No. 32

GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 807/57/EL1. *[Dated, Trivandrum, the 6th March 1958.*

Notification No. 434/5/58 and No. 434/5/58 (3) dated 25-2-1958 issued by the Election Commission, India is republished below for General information.

By order of the Governor,

P. NARAYANASWAMI,
Additional Secretary and
Chief Electoral Officer.

ELECTION COMMISSION, INDIA

NOTIFICATION.

New Delhi, the 6th Phalguna, 1879 Saka/25th February 1958.

No. 434/5/58.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951 (43 of 1951), and in partial modification of its notification No. 434/5/56 dated the 8th January, 1957, the Election Commission, in consultation with the Government of Kerala, hereby designates, in place of the officer mentioned in column 2 of the Table below, the officer mentioned in the corresponding entry in column 3 of the said Table to be the Returning Officer for the Parliamentary

Constituency in the State of Kerala specified in the corresponding entry in column 1 of that Table—

TABLE

(1)	(2)	(3)
156. Ernakulam	Deputy Commissioner of Agricultural Income-tax and Sales-tax, Trivandrum.	Deputy Commissioner of Agricultural Income-tax and Sales-tax, North Zone, Kozhikode.

By order,
S. C. ROY,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 6th Phalguna, 1879 Saka/25th February 1958.

No. 434/5/58 (3).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), and in partial modification of its notification No. 434/5/56 (3), dated the 8th January, 1957, as amended by notification No. 434/5/56 (3), dated the 20th November, 1957, the Election Commission hereby appoints, in place of each of the officers mentioned in column 2 of the Table below, the officer mentioned in the corresponding entry in column 3 of the said Table to assist the Returning Officer for the Assembly Constituency in the State of Kerala specified in the corresponding entry in column 1 of the Table in the performance of his functions;—

TABLE.

(1)	(2)	(3)
95. Chevayur	Assistant Sales-tax Officers II and IV Circle, Kozhikode.	Assistant Sales-tax Officer II, IV Circle, Kozhikode.
96. Kunnamangalam	Assistant Sales-tax Officer II and IV Circle, Kozhikode.	Assistant Sales-tax Officer II, IV Circle, Kozhikode.
97. Koduvally	Assistant Sales-tax Officer II and IV Circle, Kozhikode.	Assistant Sales-tax Officer II, IV Circle, Kozhikode.
98. Balussery	Assistant Sales-tax Officer II and IV Circle, Kozhikode.	Assistant Sales-tax Officer II, IV Circle, Kozhikode.

By order,
S. C. ROY,
Secretary to the Election Commission.

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Registered No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III] Trivandrum, Thursday, the 6th March, 1958 [No. 33

NOTIFICATION

No. LA. 4–413/58. *Dated, Trivandrum, 6th March 1958.*

The following Bill together with the Statement of Objects and Reasons is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

V. Krishnamoorthi,
Secretary,
Legislative Assembly.

L. A. Bill No. 13 of 1958.

THE KERALA RE-ENACTING BILL, 1958

A

BILL

to re-enact certain enactments.

Preamble.— Whereas the President of India had under Article 356 of the Constitution, declared by Proclamation dated the 1st November, 1956, that the powers of the Legislature of the State of Kerala shall be exercisable by or under the authority of Parliament ;

AND WHEREAS the Parliament had under the Kerala State Legislature (Delegation of Powers) Act, 1956, conferred on the President the powers of the Legislature of the said State to make laws ;

AND WHEREAS in pursuance of the said powers, the President enacted the laws mentioned in the Schedule ;

AND WHEREAS the said Proclamation has ceased to operate ;

AND WHEREAS under Clause (2) of Article 357 of the Constitution, the laws mentioned in the Schedule will cease to have effect on the expiration of a period of one year after the said Proclamation has ceased to operate, unless sooner re-enacted by Act of the appropriate Legislature ;

AND WHEREAS it is expedient to re-enact the said laws with suitable modifications ;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Re-enacting Act, 1958.

(2) It shall come into force at once.

2. *Re-enactment of Acts.*—The Acts specified in the Schedule are hereby re-enacted with the modifications specified in section 3 and in the fourth column of the Schedule.

3. *Modifications to the Acts.*—(1) The words "Enacted by the President in the Seventh Year of the Republic of India" occurring before the long title of Acts Nos. 1 and 2 of 1957 specified in the Schedule and the words "Enacted by the President in the Eighth Year of the Republic of India" occuring before the long title of each of the remaining Acts specified in the Schedule shall be omitted.

(3) The words beginning with "In exercise of the powers" and ending with "the President is pleased to enact as follows:—" occurring before section 1 of the Acts specified in the Schedule shall be omitted.

SCHEDULE.

(*See section* 2)

Year (1)	*No.* (2)	*Short title* (3)	*Modification* (4)
1957	1	The Kerala Civil Courts Act, 1957.	Before section 1, the following shall be inserted, namely:— "Preamble. Whereas it is expedient to consolidate and amend the laws relating to civil courts in the State of Kerala, subordinate to the High Court of Kerala ; BE it enacted as follows:—

Year (1)	No. (2)	Short title (3)	Modifications (4)
1957	2	The Legislative Assembly (Removal of Disqualifications) Amendment Act, 1957.	Before section 1, the following shall be inserted, namely:— "Preamble. Whereas it is expedient further to amend the Legislative Assembly (Removal of Disqualifications) Act, 1951, for the purpose hereinafter appearing; Be it enacted as follows:"
1957	3	The Travancore-Cochin Interpretation and General Clauses (Amendment) Act, 1957.	Before section 1, the following shall be inserted, namely :— "Preamble. Whereas it is expedient further to amend the Travancore-Cochin Interpretation and General Clauses Act, 1125, for the purposes hereinafter appearing; Be it enacted as follows:—"
1957	5	The Code of Criminal Procedure (Kerala Amendment) Act, 1957.	Before section 1, the following shall be inserted, namely:— "Preamble Whereas it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to the State of Kerala, for the purpose hereinafter appearing; Be it enacted as follows:—"
1957	6	The Kerala Road Transport Services (Validation) Act, 1957.	Before section 1, the following shall be inserted, namely:— "Preamble. Whereas it is necessary to validate the running and operation of certain road transport services by the Government; Be it enacted as follows:—"
1957	7	The Kerala Board of Revenue Act, 1957.	Before section 1, the following shall be inserted, namely:— "Preamble. Whereas it is expedient to constitute a Board of Revenue for the State of Kerala and to define its powers and functions; Be it enacted as follows:—"

Year. (1)	No. (2)	Short title. (3)	Modifications. (4)
1957	8	The Kerala Small Cause Courts Act, 1957.	Before section 1, the following shall be inserted, namely:— "Preamble. Whereas it is expedient to consolidate and amend the law relating to courts of Small Causes; BE it enacted as follows:—"
1957	9	The Kerala Khadi and Village Industries Board Act, 1957.	Before section 1, the following shall be inserted, namely:— "Preamble. Whereas it is expedient to provide for the organisation, development and regulation of Khadi and village industries in the State of Kerala and to constitute a Board to carry out the said objects; BE it enacted as follows:—"

STATEMENT OF OBJECTS AND REASONS

During the period when the State of Kerala was under President's rule, the President enacted for the State 9 Acts by virtue of the powers conferred on him by Parliament by the Kerala State Legislature (Delegation of Powers) Act, 1956. Of these Acts, the Kerala Sales Tax Laws (Amendment) Act, 1957 (Act 4 of 1957), has been superseded by the enactment of a uniform Sales Tax Law for Kerala by the Travancore-Cochin General Sales Tax (Amendment) Act, 1957.

Under the provisions of Article 357 (2) of the Constitution the remaining 8 Acts will cease to have effect on the 4th April, 1958, i. e one year after the termination of the President's rule for Kerala, unless sooner re-enacted by Act of the appropriate Legislature. It is therefore necessary to re-enact these Acts by an Act of the Legislature.

V. R. KRISHNA IYER.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1958.

dministration Department.

IFICATION.

Dated, Trivandrum, 25th February 1958.

In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948) the Government of Kerala hereby make the following Rules the same having been previously published as required under sub-section (1) of the said Section, namely:—

By order of the Governor,

P. I. JACOB,
Secretary.

The Kerala Minimum Wages Rules, 1958

CHAPTER I.

PRELIMINARY.

1. *Short title and extent.*—(1) These rules may be called the Kerala Minimum Wages Rules, 1958.

(2) They extend to the whole of the State of Kerala.

2. *Interpretation.*—In these rules, unless the context otherwise requires—.

(a) 'Act' means the Minimum Wages Act, 1948 (Central Act XI of 1948);

(b) 'Authority' means the Authority appointed under sub-section (1) of Section 20;

(c) 'Board' means the Advisory Board appointed under Section 7;

(d) 'Chairman' means the Chairman of the Advisory Board, or the Committee as the case may be, appointed under Section 9;

(e) 'Committee' means a Committee appointed under clause (a) of sub-section (1) of Section 5 and includes a sub-committee appointed under that Section;

(f) 'Form' means a form appended to these Rules;

(g) 'Inspector' means a person appointed as Inspector under Section 19;

(h) 'Registered Trade Union' means a Trade Union registered under the Indian Trade Unions Act, 1926 (XVI of 1926);

(i) 'Section' means a Section of the Act; and

(j) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

CHAPTE...

MEMBERS AND STAFF AND MEET... COMMITTEE...

3. *Term of office of the members o...* ...he term of office of the members of the Comm... ...be such as in the opinion of the Government is necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the Constitution of the Committee fix such terms and may, from time to time, extend it as circumstances may require.

4. *Term of office of members of the Board.*—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board shall be two years commencing from the date of his nomination:

Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated;

(2) A non-official member of the Board nominated to fill in casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated;

(3) The official members of the Board shall hold office during the pleasure of the Government.

5. *Travelling allowance.*—A non-official member of the Committee, or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates admissible to the members of the Legislative Assembly.

6. *Staff.*—(1) The Government may appoint a Secretary to the Committee or the Board, and such other Staff as it may think necessary, and may fix the salaries and allowances payable to them and specify their conditions of service;

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, or the Board, as the case may be. He may attend the meetings of such Committee, or Board but shall not be entitled to vote at such meetings;

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, or the Board as the case may be.

7. *Eligibilty for renomination of the members of the Committee and the Board.*—An out-going member shall be eligible for renomination for the membership of the Committee, or the Board, of which he was a member.

8. *Resignation of the Chairman and members of the Committee, and the Board and filling of casual vacancies.*—(1) A member of the Committee or the Board other than the Chairman may by giving notice in writing to the Chairman resign his membership;

(2) The Chairman may resign by letter addressed to the Government;

(3) When a vacancy occurs or is likely to occur in the membership of the Committee or the Board, the Chairman shall submit a report to Government immediately. Government shall then take steps to fill the vacancy.

9. *Cessation and restoration of membership.*—(1) If a member of the Committee or the Board fails to attend three consecutive meetings, he shall, subject to the provisions of sub-rule (2), cease to be a member thereof;

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days, from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. *Disqualification.*—(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, or the Board, as the case may be;

(i) if he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude;

(2) If any question arises whether a disqualification has been incurred under sub-rule (1) the decision of the Government thereon shall be final.

11. *Meetings.*—The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee or the Board, as the case may be, at any time he thinks fit:

Provided that on a requisition in writing from not less than one-half of the members or not less than two-thirds of the representatives of the employers or of the employees, as the case may be, the Chairman shall call a meeting within a period of fifteen days from the date of receipt of such requisition.

12. *Notice of meetings.*—(1) The Chairman shall fix the date, time and place of every meeting and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meetings shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

13. *Chairman.*—(1) The Chairman shall preside at the meetings of the Committee or the Board as the case may be;

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves one member, by a majority of votes, who shall preside at such meeting.

14. *Quorum.*—No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present , the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. *Disposal of business.*—All business shall be considered at a meeting of the Committee or the Board, as the case may be, and shall be decided by the majority of the votes of the members present and voting. In the event of an equality of votes, the Chairman shall have a casting vote:

Provided that the Chairman may, if he thinks fit direct that any matter shall be decided by the circulation of necessary papers and securing written opinion of the members:

Provided further that no decision on any question which is referred under the first proviso shall be taken unless supported by not less than a two-thirds majority of the members.

16. *Method of voting.*—Voting shall ordinarily be by show of hands but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting.*—(1) The proceedings of each meeting showing *inter alia* the names of the members present thereat shall be forwarded to each member and to the Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III.

SUMMONING OF WITNESSES BY THE COMMITTEE OR THE BOARD AND PRODUCTION OF DOCUMENTS.

18. *Summoning of witness and production of documents.*—(1) A Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry;

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered trade union of workers;

(3) A summons under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered post;

(ii) in the case of an employers' organisation or a registered trade union of workers, by being delivered or sent by registered post to the Secretary or other principal officer of the organisation or union, as the case may be;

(4) The provisions of the Code of Civil Procedure, 1908 relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee or the Board;

(5) All books, papers and other documents or things produced before a Committee, or the Board in pursuance of summons under sub-section (1) may be inspected by the chairman and independent members, and also by such parties as the chairman may allow with the consent of the other party; but the information obtained therefrom shall not be made public:

Provided that nothing contained in this rule shall apply to a disclosure of any such information for the purpose of a prosecution under Section 193 of the Indian Penal Code (Central Act XLV of 1860).

19. *Expenses of witnesses.*—Every person who is summoned and appears as a witness before the Committee or the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in civil courts in the State.

CHAPTER IV

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS

20. *Mode of computation of the cash value of wages.*—The average retail prices at the nearest market for the period of three months immediately preceding the month for which the wages are to be computed shall be taken into account in computing the cash value of wages paid in kind and of concessions in respect of essential commodities supplied at concession rates. This computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid on a working day—

(a) in the case of establishments in which less than one thousand persons are employed, before the expiry of the seventh day, and

(b) in the case of other establishments, before the expiry of the tenth day after the last day of the wage period in respect of which the wages are payable;

(ii) Where the employment of any person is terminated by or on behalf of the employer or due to the acceptance of

the employee's resignation, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated;

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—(1) Every payment made by the employed person to the employer or his agent shall for the purpose of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:—

(i) fines in respect of such acts and omissions on the part of the employed persons as may be specified by the Government by general or special order in this behalf;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer, or the Government or any authority notified by the Government for providing housing accommodation;

(v) deduction for such amenities and services supplied by the employer as the Government, may, by general or special order authorise;

Explanation.—The word 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment.

(vi) deductions for recovery of advances or for adjustment of over-payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month.

(vii) deduction of income-tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to and for repayment of advances from any Provident Fund to which the Provident Funds Act, 1925 (Central Act XIX of 1925) or the Employees' Provident Fund Act, 1952 (Central Act XIX of 1952) applies or any recognised Provident Fund as defined in Section 58A of the Indian Income Tax Act, 1922, or any Provident Fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions for payment to Co-operative Societies or to a Scheme of Insurance approved by the Government;

(xi) deductions for recovery or adjustment of amounts other than wages, paid to the employed person in error or in excess of what is due to him;

Provided that the prior approval of the Inspector or any other officer authorised by the State Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer an explanation in writing and also to be heard in person, if he so desires (in the presence of another person). The fine shall be levied or the deduction ordered after due consideration of the explanation offered (in writing or in person as the case may be). The amount of the said fine or deduction shall also be intimated to him.

(4) (i) The total amount of fine which may be imposed under sub-rule (3) shall not exceed in any one wage period, an amount equal to half anna in the rupee of the wages payable to the employed person in respect of such wage period.

(ii) The total amount of deduction for damage or loss ordered under sub-rule (3) shall not exceed the cost of replacing the article damaged or lost on the date of passing the order of recovery, or the book value of the article whichever is less. Where the amount of deduction exceeds an amount equal to one-third of the wages payable to the employed person in respect of a wage period, the deduction shall be made in instalments in such a way that the amount of each instalment does not exceed one-third of the average wages payable to him between one instalment and the other.

(iii) All realizations under clause (i) and all deductions under clause (ii) shall be recorded in a register maintained in forms I, II and III as the case may be. A return in Form III shall be submitted annually by the employer:

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of an establishment gives in respect of any or all the employed persons in that establishment the particulars required in the forms prescribed under this sub-rule he may, by order in writing direct that such roll or register shall to the corresponding extent be maintained in place of and be treated as the register of that establishment required to be maintained under this sub-rule.

(5) All realisations from fine shall be applied only to such purposes which are beneficial to the persons employed in the scheduled employment as are generally approved by the Government in this behalf.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936, the Madras Shops and Establishments Act, 1947 and the Travancore-Cochin Shops and Establishments Act, 1125.

22. *Display of notices.*—Notice in Form IV containing—

(i) extracts from Act (Sections 11, 12, 14, 15, 16, 17 and 20), and Rules (Chapter IV and Rules 31, 32 and 35);

(ii) the minimum rates of wages; and

(iii) name and address of the Inspector; shall be displayed in English and in the language understood by the majority of the workers in the employment at such places as may be selected by the Inspector and shall be maintained in a clean and legible condition.

23. *Weekly holidays.*—(1) Unless otherwise permitted by the Government, no worker shall be required or allowed to work in a Scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the three days immediately before or after the said day. Every worker who shall be required or allowed to work in a scheduled employment on the said day shall be paid wages equal to his average daily wages during the week he has last worked:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1), any worker works on the said day and has had a holiday on one of the three days immediately preceding it, the said day shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule week shall mean a period of seven days beginning at mid-night on saturday night.

(3) Nothing in this rule shall be deemed to affect the provisions of the Madras Shops and Establishments Act, 1947 and the Travancore-Cochin Shops and Establishments Act, 1125.

24. *Number of hours of work which shall constitute a normal working day for employments other than plantations.*—(1) The number of hours which shall constitute a normal working day shall be—

(a) in the case of an adult 9 hours,

(b) in the case of a child, 4 1/2 hours.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The period of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2), they shall not spread over more than ten and a half hours in any day:

Provided that the Inspector may, for reasons to be specified in writing, increase the spreadover to twelve hours.

(4) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child

according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(5) The provisions of sub-rule (1) to (4) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.

(6) No child shall be employed or permitted to work for more than 4 1|2 hours on any day.

(7) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.

25. *Number of hours of work which shall constitute a normal working day for employment in Plantations.*—(1) The number of hours which shall constitute a normal working day for employment in Plantations shall be:

(a) in the case of an adult, 9 hours;

(b) in the case of an adolescent, 6 hours and 40 minutes;

(c) in the case of a child, 4 1|2 hours.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The period of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2) they shall not spread over more than twelve hours including the time spent in waiting for work on any day.

(4) The period of work of an adolescent each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(5) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 and the Plantations Labour Act, 1951.

26. *Cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day.*—(1) The following shall be cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day:—

(a) tempest, fire, rain, breakdown of machinery or stoppage of or any cut in the supply of power, epidemic, civil commotion or other cause beyond the control of the employer;

(b) refusal to work;

(c) strike or stay-in strike.

(2) In the case of interruption brought about by tempest, fire, rain, breakdown of machinery, epidemic, civil commotion or other natural causes beyond the control of the employer, the employee who has already started work for the day shall be paid wages at half the minimum rates of wages fixed for

a normal working day if the interruption occurs at any time before the interval for midday rest. If the interruption occurs after the interval for midday rest he shall be paid wages for a full normal working day.

(3) If by reason of stoppage of or any cut in the supply of power, effected by the Government, an employer is prevented on any working day from giving work to his employees for a full normal workng day, the employees shall receive wages for such day in the proportion the number of hours he worked bears to the number of hours constituting the normal working day.

27. *Number of hours of overtime.*—The total number of hours of overtime a worker shall be required or allowed to work in any employment shall not exceed fifty for any one quarter.

Explanation.—'Quarter' means a period of three consecutive months beginning on the 1st of January, the 1st of April, the 1st of July or the 1st of October.

28. *Extra wages for overtime.*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty eight hours in any week, he shall, in respect of overtime work, be entitled to wages—

(a) in the case of employment in Agriculture, at one and a half times the ordinary rate of wages;

(b) in the case of any other scheduled employment at double the ordinary rate of wages;

Explanation.—The expression "ordinary rate of wages" means the basic wages *plus* such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of food grains and other articles as the person empolyed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form V. Overtime work shall be entered up in the register before the expiry of 24 hours from the commencement of such work:

Provided that if the Inspector is of opinion that any muster roll or register maintained as part of the routine of an establishment gives in respect of any or all the employed persons in that establismment the particulars required in the form prescribed under this sub-rule he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the overtime Register for workers in that establishment.

(3) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.

29. *Form of registers and records.*—(1) A register of Wages shall be maintained by every employer and kept in such form as may be notified by the Government and shall include the following particulars:—

(a) the minimum rates of wages payable to each employed person;

(b) the number of days for which each employed person worked overtime for each wage-period;

(c) the gross wages of each person employed for each wage-period;

(d) all deductions made from wages, with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of rule 21;

(e) the wages actually paid to each person employed for each wage-period and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by the Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wage book and wage slips at the time of payment of wages.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in form VI:

Provided that if the Inspector is of opinion that any muster roll or register maintained as part of the routine of an establishment gives in respect of any or all the employed persons in that establishment the particulars required in the forms prescribed under this sub-rule he may by order in writing direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the muster roll of workers in that establishment.

30. The registers, records and notices maintained as exhibited under the provisions of these rules shall always be available at or as near as practicable, to the site of employment and shall be produced or caused to be produced for inspection, at all reasonable hours by any Inspector having jurisdiction over the establishment.

CHAPTER V

Claims under the Act

31. *Application.*—An application under sub-section (2) of Section 20 or sub-section (1) of Section 21 by or on behalf of an employed person or group of employed persons shall be made in duplicate in forms VII and VIII as the case may be.

32. *Authorisation.*—The authorisation to act on behalf of an employed person or persons under sub-section (2) of Section 20 or sub-section (1) of Section 21 shall be given in form IX by an instrument which shall be presented to the Authority hearing the application and shall form part of the record.

33. *Appearance of parties.*—(1) If an application under sub-section (2) of Section 20 or Section 21 is entertained, the Authority shall serve upon the employer by registered

post a notice in Form X to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may hear and determine the application *exparte*.

(3) If the applicant or his representative fails to appear on the specified date, the Authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be re-heard after service of notice on the opposite party on the date fixed for re-hearing in the manner specified in sub-rule (1).

CHAPTER VI

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT

34. *Costs.*—(1) The Authority, for reasons to be recorded in writing, may direct that the costs of any proceedings pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

(i) expenses incurred on account of court fees;

(ii) expenses incurred on subsistence money to witnesses; and

(iii) pleader's fees to the extent of ten rupees provided that the Authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleader or more than one applicant or opponent the Authority may subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

35. *Court fees.*—The Court fee payable in respect of proceedings under Section 20 shall be—

(i) for every application to summon a witness— One rupee in respect of each witness;

(ii) for every application made by or on behalf of an individual or by or on behalf of a group of individuals— one rupee:

Provided that the Authority may, if in its opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees:

Provided further that no fee shall be chargeable,

(a) from persons employed in Agriculture; or

(b) in respect of an application made by an Inspector.

36. *Saving.*—These rules shall not apply in relation to any scheduled employment in so far as there are in force rules applicable to such employment, which in the opinion of the State Government, make equally satisfactory provisions for the matters dealt with by these rules and such opinion shall be final.

37. *Repeal.*—The Travancore-Cochin Minimum Wages Rules, 1951 and the Minimum Wages (Madras) Rules, 1953 as in force in the Malabar District referred to in sub-section (2) of Section 5 of the S.R. Act, 1956 (37 of 1956) are hereby repealed:

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

FORM I.

Register of Fines.

[*Rule* 21 (4)]

.....................EMPLOYER.....................

Serial No.	Name	Father's/Husband's name	Sex	Department	Nature and date of the offence for which fine imposed	Whether workman showed cause against fine or not. If so, enter date	Rate of wages	Date and amount of fine imposed	Date on which fine realised	Remarks.
1	2	3	4	5	6	7	8	9	10	11

FORM II

[*Rule* 21 (4)]

Register of deductions for damage or loss caused to the employers by the neglect or default of the employed person

........................Employer........................

Serial No.	Name	Father's/Husband's name	Sex	Department	Damage or loss caused with date	Whether worker showed cause against deduction, if so, enter date	Date and amount of deduction imposed	Number of instalments if any	Date on which total amount realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM III.

[*Rule* 21(4)]

Deduction from wages

Return for the year ending the 31st December..

1. Name of the employer and postal address..

2. Total number of persons employed :—Adults..

Children..

3. Total wages paid..

4. Number of cases and amounts realised as:—

No of cases.	Amount.
(a) Fines	.. .. ..
(b) Deductions for damage or loss	.. .. ..
(c) Deductions for breach of contract	.. .. ..

5. Disbursements from Fine Fund :—

	Amount	Purpose
	Rs.	

Dated........19

Signature..................

Designation..................

FORM IV.

(*See Rule 22*)

NOTICE

Extract from the Act and Rules made thereunder.

(Extract from the Act)

11. *Wages in kind.*—(1) Minimum Wages payable under this Act shall be paid in cash.

(2) Where it has been the custom to pay wages wholly or partly in kind, the appropriate Government being of the opinion that it is necessary in the circumstances of the case may, by notification in the official Gazette, authorise the payment of minimum wages either wholly or partly in kind.

(3) If the appropriate Government is of the opinion that provision should be made for the supply of essential commodities at concession rates, the appropriate Government may, by notification in the official Gazette, authorise the provision of such supplies at concession rates.

(4) The cash value of wages in kind and of concessions in respect of supplies of essential commodities at concession rates authorised under sub-sections (2) and (3) shall be estimated in the prescribed manner.

12. *Payment of minimum rates of wages.*—(1) Where in respect of any scheduled employment a notification under section 5 is in force, the employer shall pay to every employee engaged in a scheduled employment under him wages at a rate not less than the minimum rate of wages fixed by such notification for that class of employees in that employment without any deductions except as may be authorised within such time and subject to such conditions as may be prescribed.

(2) Nothing contained in this section shall affect the provisions of the Payment of Wages Act, 1936 (IV of 1936).

14. *Overtime.*—(1) Where an employee, whose minimum rate of wages is fixed under this Act by the hour, by the day or by such a longer wage period as may be prescribed, works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess at the overtime rate fixed under this Act or under any law of the appropriate Government for the time being in force, whichever is higher.

(2) Nothing in this Act shall prejudice the operation of the provisions of section 59 of the Factories Act, 1948 (LXIII of 1948) in any case where those provisions are applicable.

15. *Wages of worker who works for less than normal working day.*—If an employee whose minimum rate of wages has been fixed under this Act by the day works on any day on which he was employed for a period less than the requisite number of hours constituting a normal working day, he shall, save as otherwise hereinafter provided, be entitled to receive wages in respect of work done by him on that day as if he had worked for a full normal working day:.

Provided, however, that he shall not be entitled to receive wages for a full normal working day—

(i) in any case where his failure to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work, and

(ii) in such other cases and circumstances as may be prescribed.

16. *Wages for two or more classes of work.*—Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work, wages at not less than the minimum rate in force in respect of each such class.

17. *Minimum time rate wages for piece work.*—Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed under this Act, the employer shall pay to such employee wages not less than the minimum time rate.

20. *Claims.*—(1) The appropriate Government may, by notification in the Official Gazette, appoint any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not below the rank of Labour Commissioner or any other officer with experience as a Judge of a Civil Court or as a stipendiary Magistrate to be the authority to hear and decide for any specified area all claims arising out of payment of less than the minimum rates of wages or in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14 to employees employed or paid in that area.

(2) Where an employee has any claim of the nature referred to in sub-section (1), the employee himself or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector, or any person acting with the permission of this Authority appointed under sub-section (1) may apply to such Authority for a direction under sub-section (3):

Provided that every such application shall be presented within six months from the date on which the minimum wages or other amount become payable:

Provided further that any application may be admitted after the said period of six months when the applicant satisfied the Authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer, or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct—

(i) in the case of a claim arising out of a peyment of less than the minimum rates of wages the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;

(ii) in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees,

and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application.

(4) If the Authority hearing any application under this section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding fifty rupees be paid to the employer by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered—

(a) if the Authority is a Magistrate, by the Authority as if it were a fine imposed by the Authority as a Magistrate, or

(b) if the Authority is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

(6) Every direction of the Authority under this section shall be final.

(7) Every Authority appointed under sub-section (1) shall have all the powers of the Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such Authority shall be deemed to be a Civil Court for all the purposes of section 195, and Chapter XXXV of the Code of Criminal Procedure, 1898 (V of 1898).

Extracts from the Rules

CHAPTER IV

Computation and Payment of Wages, Hours of Work and Holidays

20. *Mode of computation of the cash value of wages.*—The average retail prices at the nearest market for the period of three months immediately preceding the month for which the wages are to be computed shall be taken into account in computing the cash value of wages paid in kind and of concessions in respect of essential commodities supplied at concession rates. This computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have

been fixed shall not exceed one month and the wages of a worker in such employment shall be paid on a working day—

(a) in the case of establishments in which less than one thousand persons are employed, before the expiry of the seventh day, and

(b) in the case of other establishments, before the expiry of the tenth day after the last day of the wage period in respect of which the wages are payable.

(ii) Where the employment of any person is terminated by or on behalf of the employer or due to the acceptance of the employee's resignation, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated;

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall for the purpose of these rules, be deemed to be a deduction form wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:—

(i) fines in respect of such acts and omissions on the part of the employed persons as may be specified by the Government by general or special order in this behalf;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer, or the Government or any authority notified by the Government for providing housing accommodation;

(v) deduction for such amenities and services supplied by the employer as the Government, may, by general or special order authorise;

Explanation.—The word 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment.

(vi) deductions for recovery of advances or for adjustment of over-payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case shall the monthly instalment of deduction exceed one-fourth of the wages earned that month.

(vii) deduction of income-tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to and for repayment of advances from any Provident Fund to which the Provident Funds Act, 1925 (Central Act XIX of 1925) or the Employees'

Provident Funds Act, 1952 (Central Act, XIX of 1952) applies or any recognised Provident Fund as defined in Section 58A of the Indian Income Tax Act, 1922 or any Provident Fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions for payment to Co-operative Societies or to a Scheme of Insurance approved by the Government;

(xi) deductions for recovery or adjustment of amounts other than wages, paid to the employed person in error or in excess of what is due to him:

Provided that the prior approval of the Inspector or any other officer authorised by the State Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer an explanation in writing and also to be heard in person if he so desires (in the presence of another person). The fine shall be levied or the deduction ordered after due consideration of the explanation offered (in writing or in person as the case may be). The amount of the said fine or deduction shall also be intimated to him.

(4) (i) The total amount of fine which may be imposed under sub-rule (3) shall not exceed in any one wage period, an amount equal to half anna in the rupee of the wages payable to the employed person in respect of such wage period;

(ii) The total amount of deduction for damage or loss ordered under sub-rule (3) shall not exceed the cost of replacing the article damaged or lost on the date of passing the order of recovery, or the book value of the article whichever is less. Where the amount of deduction exceeds an amount equal to one-third of the wages payable to the employed person in respect of a wage period, the deduction shall be made in instalments in such a way that the amount of each instalment does not exceed one-third of the average wages payable to him between one instalment and the other;

(iii) all realisations under clause (i) and all deductions under clause (ii) shall be recorded in a register maintained in Forms I, II and III as the case may be. A return in Form III shall be submitted annually by the employer:

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of an establishment gives in respect of any or all the employed persons in that establishment the particulars required in the form prescribed under this sub-rule he may, by order in writing direct that such roll or register shall to the corresponding extent be maintained in place of and be treated as the register of that establishment required to be maintained under this sub-rule.

(5) All realisations from fine shall be applied only to such purposes which are beneficial to the persons employed in the scheduled employment as are generally apprroved by the Government in this behalf.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936, the Madras Shops and Establishments Act, 1947 and the Travancore-Cochin Shops and Establishments Act, 1125.

22. *Display of notices.*—Notice in Form IV containing—

(i) extracts from Act (Sections 11, 12, 14, 15, 16, 17 and 20), and Rules (Chapter IV and Rules 31, 32 and 35).

(ii). the minimum rates of wages, and

(iii) name and address of the Inspector, shall be displayed in English and in the language understood by the majority of the workers in the employment at such places as may be selected by the Inspector and shall be maintained in a clean and legible condition.

23. *Weekly holidays.*—(1) Unless otherwise permitted by the Government, no worker shall be required or allowed to work in a Scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the three days immediately before or after the said day. Every worker who shall be required or allowed to work in a scheduled employment on the said day shall be paid wages equal to his average daily wages during the week he has last worked:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1), any worker works on the said day and has had a holiday on one of the three days immediately preceding it, the said day shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule week shall mean a period of seven days beginning at mid-night on Saturday night.

(3) Nothing in this rule shall be deemed to affect the provisions of the Madras Shops and Establishments Act, 1947 and the Travancore-Cochin Shops and Establishments Act, 1125.

24. *Number of hours work which shall constitute a normal working day for employments other than plantations.*—(1) The number of hours which shall constitute a normal working day shall be—

(a) in the case of an adult, 9 hours;

(b) in the case of a child, 4½ hours.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The period of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2), they shall not spread over more than ten and a half hours in any day:

Provided that the Inspector may, for reasons to be specified in writing, increase the spread over to twelve hours.

(4) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(5) The provisions of sub-rule (1) to (4) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.

(6) No child shall be employed or permitted to work for more than 4½ hours on any day.

(7) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.

25. *Number of hours of work which shall constitute a normal working day for employment in plantations.*—(1) The number of hours which shall constitute a normal working day for employment in plantation shall be—

(a) in the case of an adult, 9 hours;

(b) in the case of an adolescent, 6 hours and 40 minutes;

(c) in the case of a child, 4½ hours.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The period of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2) they shall not spread over more than twelve hours including the time spent in waiting for work on any day.

(4) The period of work of an adolescent each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(5) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 and the Plantations Labour Act, 1951.

26. *Cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day.*—(1) The following shall be cases and circumstances in which an employee

employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day—

(a) tempest, fire, rain, breakdown of machinery or stoppage of or any cut in the supply of power, epidemic, civil commotion or other cause beyond the control of the employer;

(b) refusal to work;

(c) strike or stay-in strike.

(2) In the case of interruption brought about by tempest, fire, rain, breakdown of machinery, epidemic, civil commotion or other natural causes beyond the control of the employer, the employee who has already started work for the day shall be paid wages at half the minimum rates of wages fixed for a normal working day if the interruption occurs at any time before the interval for mid-day rest. If the interruption occurs after the interval for mid-day rest he shall be paid wages for a full normal working day.

(3) If by reason of stoppage of or any cut in the supply of power, effected by the Government, an employer is prevented on any working day from giving work to his employees for a full normal working day, the employees shall receive wages for such day in the proportion the number of hours he worked bears to the number of hours constituting the normal working day.

27. *Number of hours of over time.*—The total number of hours of over time a worker shall be required or allowed to work in any employment shall not exceed fifty for any one quarter.

Explanation.—"Quarter" means a period of three consecutive months beginning on the 1st of January, the 1st of April, the 1st of July or the 1st of October.

28. *Extra wages for over time.*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages—

(a) in the case of employment in Agriculture, at one and a half time the ordinary rate of wages;

(b) in the case of any other scheduled employment at double the ordinary rate of wages.

Explanation.—The expression "ordinary rate of wages" means the basic wages *plus* such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of food grains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form V. Overtime work shall be entered up in the register before the expiry of 24 hours from the commencement of such work:

Provided that if the Inspector is of opinion that any muster roll or register maintained as part of the routine of an establishment gives in respect of any or all the employed persons in

that establishment the particulars required in the form prescribed under this sub-rule he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the overtime register for workers in that establishment.

(3) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.

29. *Form of registers and records:*—(1) A register of wages shall be maintained by every employer and kept in such form as may be notified by the Government and shall include the following particulars:—

(a) the minimum rates of wages payable to each employed person;

(b) the number of days for which each employed persons worked overtime for each wage-period;

(c) the gross wages of each person employed for each wage-period;

(d) all deductions made from wages, with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of rule 21;

(e) the wages actually paid to each person employed for each wage-period and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by the Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wages book and wage slip at the time of payment of wages.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form VI:

Provided that if the Inspector is of opinion that any muster roll or register maintained as part of the routine of an establishment gives in respect of any or all the employed persons in that establishment the particulars required in the forms prescribed under this sub-rule he may by order in writing direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the muster roll of workers in that establishment.

30. The registers, records and notices maintained as exhibited under the provisions of these rules shall always be available at or as near as practicable, to the site of employment and shall be produced or caused to be produced for inspection, at all reasonable hours by any Inspector having jurisdiction over the establishment.

31. *Application.*—An application under sub-section (2) of Section 20 or sub-section (1) of Section 21 by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VII and VIII as the case may be.

32. *Authorisation.*—The authorisation to act on behalf of an employed person or persons, under sub-section (2) of Section 20 or of sub-section (1) of Section 21 shall be given in Form IX by an instrument which shall be presented to the Authority hearing the application and shall form part of the record.

35. *Court fees.*—The Court fee payable in respect of proceedings under Section 20 shall be—

(i) for every application to summon a witness—One rupee in respect of each witness;

(ii) for every application made by or on behalf of an individual or by or on behalf of a group of individuals—One rupee:

Provided that the Authority may, if in its opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees:

Provided further that no fee shall be chargeable.—

(a) from persons employed in Agriculture; or

(b) in respect of an application made by an Inspector.

Rate of Minimum Wages

	Rate.
Name of Employment.	
1	
2	
3 etc.	

Name and address of Inspector

Name:

Address:

FORM V

[*Rule* 28 (2)]

Over-time Register for Workers

Month ending 195

Sl. No.	Name	Father's/Husbands Name	Sex	Designation and Department	Dates on which over-time worked	Extent of over-time on each occasion	Total over-time worked or production in case of piece workers	Normal hours	Normal rate	Over-time rate	Normal earnings	Over-time earnings	Total earnings	Date on which over-time payments made
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM VI

[*Rule 29* (5)].

Muster Roll.

Name of Establishment.............................Place.............................

Sl. No.	Name.	Father's/ husband's name.	Sex.	Nature of work.	For the period ending............................																Remarks.
					1	2	3	4	5												

FORM VII

[Form of Application by an employee under Section 20(2)]

(Rule 31)

In the Court of the Authority appointed under the Minimum Wages Act, 1948 (Central Act XI of 1948) for . . . . area.

Application No. . . . . of 19 . . . . . .

(1) . . . .
(2) . . . . Applicant(s)
(3) . . . .

(through . . . . a legal Practitioner . . . . official of . . . . Union which is a registered Trade Union)

Address. . . . .

Versus

(1) . . . .
(2) . . . . Opponent(s)
(3) . . . .

Address . . . .

The applicant(s) above-named beg(s) respectfully to submit as follows:—

(1) that. . . . .
(2) that. . . . .

The applicant(s) has (have) been paid wages at less than the minimum rate of wages than (have) not been paid remuneration for days of rest or for work done on such days of rest.

The applicant(s) estimate(s) the value of the relief sought by him (them) at the sum of Rs. . . . .

The applicant(s) pray(s) that a direction may be issued under sub-section (3) of Section 20 for:—

(a) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid and

(b) Compensation amounting to Rs. . . . .

The applicant(s) beg(s) leave to amend or add to or make alterations in the application if any and when necessary.

Date. . . . .

Signature or *thumb impression of the employee(s), legal practitioner or official of a registered Trade Union duly authorised.

The applicant(s) do(es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

The verification is signed at . . . . on . . . . day of . . . . 19 . . . .

Signature or thumb impression of the employee(s) or legal practitioner or official of a registered Trade Union duly authorised.

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*When the application is by a group of employees the thumb impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

FORM VIII

[Form of Application by an Inspector or person acting with the permission of the Authority under Section 20(2)]

(Rule 31)

In the Court of the Authority appointed under the Minimum Wages Act, 1948 (Central Act XI of 1948) for . . . . . . area.

Application No. . . . . of 19 . . . .

(1) . . . . Applicant.

Address . . . .

Versus.

(1) . . . . Opponent.

Address . . . .

The applicant above-named begs respectfully to submit as follows:—

(1) that . . . .

(2) that . . . .

The opponent is bound to pay wages at the minimum rate of wages fixed by Government but he has paid less wages to the following employees:—

(1) . . . .

(2) . . . .

(3) . . . .

The Applicant estimates the value of relief sought for the employees at the sum of Rs. . . . .

The applicant prays that a direction may be issued under sub-section (3) of Section 20 for:—

(a) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid; and

(b) Compensation amounting to Rs. . . . .

The applicant begs leave to amend or add to or make alterations in the application if and when necessary.

Date. . . . .

Signature . . . .

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information. This verification is signed at . . . . on . . . . day . . . . 19. . . . . .

FORM IX.

[Form of Authority in favour of a Legal Practitioner or any Official of a Registered Trade Union referred to in Section 20(2)]

(Rule 32)

In the Court of the Authority appointed under the Minimum Wages Act, 1948 (Central Act XI of 1948) for. . . . . area.

Application No. . . . . of 19 . . . . . .
(1) . . . .
(2) . . . . Applicant(s)
(3) . . . .

Versus.

(1) . . . .
(2) . . . . Opponent(s)
(3) . . . .

I hereby authorise Mr. . . . . a legal practitioner | an official of the registered Trade Union of . . . . to appear and act on my behalf in the above-described proceeding and to do all things incidental to such appearing and acting.

Date. . . . .

Signature or thumb impression of the employee.

FORM X.

[Form of summons to the Opponent to appear before the Authority when an application under sub-section (2) of Section 20 or under Section 21 is entertained]

(Rule 33)

(Title of the application)

To

. . . .

(Name, description and place of residence).

Whereas . . . . has made the above-said application to me under the Minimum Wages Act, 1948 (Central Act XI of 1948), you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions, relating to the application, or who shall be accompanied by some person able to answer all such questions, on the . . . . day of . . . . 19. . . ., at . . . . O' clock in the . . . . noon, to answer the claim, and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day, all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Date. *Signature of the Authority.*